

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

TINA MARLOW,

Plaintiff,

vs.

MICHAEL J. ASTRUE,

Commissioner of Social
Security Administration,

Defendant.

Case No. 08-CV-337-JHP-SPS

ORDER

This is an action brought by the plaintiff, Tina Marlow, pursuant to §205(g) of the Social Security Act, 42 U.S.C. §405(g), to obtain judicial review of the final determination of the Secretary of Health and Human Services denying Plaintiff's claim for disability insurance benefits.

The court, in its review, has been granted power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Secretary, with or without remanding the case for a rehearing. The findings of the Secretary as to any fact, if supported by substantial evidence, shall be conclusive. In this action, the parties agree this action should be remanded to obtain testimony from a vocational expert to ascertain if Plaintiff can perform other work existing in significant numbers in the national economy in light of all her assessed limitations. The ALJ should include in his or her hypothetical questions all of Plaintiff's residual functional capacity.

Therefore, the Court finds there is good cause pursuant to the fourth sentence of 42 U.S.C. §405(g) to remand this matter to the Secretary for a supplemental administrative hearing.

IT IS SO ORDERED this 2nd day of June 2009.



James H. Payne
United States District Judge
Eastern District of Oklahoma